

Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 31-34-1-3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A child is a child
- 5 in need of services if before the child becomes eighteen (18) years of
- 6 age:
- 7 (1) the child is the victim of a sex offense under:
- 8 (A) IC 35-42-4-1;
- 9 (B) IC 35-42-4-2;
- 10 (C) IC 35-42-4-3;
- 11 (D) IC 35-42-4-4;
- 12 (E) IC 35-42-4-7;
- 13 (F) IC 35-42-4-9;
- 14 (G) IC 35-45-4-1;

- 1 (H) IC 35-45-4-2; or
- 2 (I) IC 35-46-1-3; and
- 3 (2) the child needs care, treatment, or rehabilitation that the child:
- 4 (A) is not receiving; and
- 5 (B) is unlikely to be provided or accepted without the coercive
- 6 intervention of the court.
- 7 **(b) A child is a child in need of services if before the child**
- 8 **becomes eighteen (18) years of age:**
- 9 **(1) the child lives in the same household as a child who is the**
- 10 **victim of a sex offense under:**
- 11 **(A) IC 35-42-4-1;**
- 12 **(B) IC 35-42-4-2;**
- 13 **(C) IC 35-42-4-3;**
- 14 **(D) IC 35-42-4-4;**
- 15 **(E) IC 35-42-4-7;**
- 16 **(F) IC 35-42-4-9;**
- 17 **(G) IC 35-45-4-1;**
- 18 **(H) IC 35-45-4-2; or**
- 19 **(I) IC 35-46-1-3; and**
- 20 **(2) the child needs care, treatment, or rehabilitation that the**
- 21 **child:**
- 22 **(A) is not receiving; and**
- 23 **(B) is unlikely to be provided or accepted without the**
- 24 **coercive intervention of the court.**
- 25 **SECTION 2. IC 31-34-12-4.5 IS ADDED TO THE INDIANA**
- 26 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
- 27 **[EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) A rebuttable presumption**
- 28 **is raised that a child is a child in need of services if the state**
- 29 **establishes that:**
- 30 **(1) another child in the same household is the victim of a sex**
- 31 **offense described in IC 31-34-1-3; and**
- 32 **(2) the sex offense described in IC 31-34-1-3:**
- 33 **(A) was committed by an adult who lives in the household**
- 34 **with the child; and**
- 35 **(B) resulted in a conviction of the adult or a judgment**
- 36 **under IC 31-34-11-2 as it relates to the child against whom**
- 37 **the sex offense was committed.**
- 38 **(b) The following may not be used as grounds to rebut the**

- 1 **presumption under subsection (a):**
- 2 **(1) The child who is the victim of the sex offense described in**
- 3 **IC 31-34-1-3 is not genetically related to the adult who**
- 4 **committed the act but the child presumed to be the child in**
- 5 **need of services under this section is genetically related to the**
- 6 **adult who committed the act.**
- 7 **(2) The child who is the victim of the sex offense described in**
- 8 **IC 31-34-1-3 differs in age from the child presumed to be the**
- 9 **child in need of services under this section.**
- 10 **(c) A child presumed to be a child in need of services under this**
- 11 **section may not be taken into custody or emergency custody under**
- 12 **IC 31-34-2 unless the court first finds cause to take the child into**
- 13 **custody or emergency custody following a hearing in which the**
- 14 **parent, guardian, or custodian of the child is accorded the rights**
- 15 **described in IC 31-34-4-6(a)(2) through IC 31-34-4-6(a)(5)."**
- 16 Renumber all SECTIONS consecutively.
- (Reference is to SB 144 as printed January 17, 2003.)

and when so amended that said bill do pass.

Representative Weinzapfel